

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CHAVON ADIR WIGGINS, )  
                            )  
Petitioner,             )  
                            )  
vs.                       )                  Case No. 4:07-CV-1288 TCM  
                            )  
JEREMIAH W. “JAY” NIXON and )  
RICARDO MARTINEZ,        )  
                            )  
Respondents.             )

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner’s motion for appointment of counsel [Doc. #2].

The motion will be denied without prejudice.

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. Id.

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex, and petitioner has not alleged that he is hindered from investigating the facts of this case. Consequently, the motion shall be denied without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's motion for appointment of counsel [Doc. #2] is **DENIED** without prejudice.

Dated this 29th Day of February, 2008.

/s/Thomas C. Mummert, III  
THOMAS C. MUMMERT, III  
UNITED STATES MAGISTRATE JUDGE